
AGENDA

BOROUGH OF WASHINGTON, WARREN COUNTY, NJ

**July 6, 2021
7:00 PM**

STATEMENT OF ADEQUATE NOTICE

The requirements of the Open Public Meetings Law, P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Express-Times (Warren County Edition) and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law.

ROLL CALL Conry, Cox, Duchemin, Heinrich, Noone, Norris, Higgins.

AUDIENCE/COUNCIL APPEARANCE

Remarks, petitions, statements and testimony from guests

NEW BUSINESS

- Turn The Town Teal Campaign-approval
- Cross River Fiber - request for municipal consent from the Borough of Washington-User Agreement for Approval
- Shabbecong Creek Nature Preserve

Approval of Regular Meeting Minutes:

May 18, 2021
June 1, 2021
June 15, 2021

Agenda-Continued

OLD BUSINESS

ORDINANCES 2nd Reading-adoption

- **ORDINANCE 2021-05**-AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING THE BOROUGH'S LAND USE REGULATIONS TO PROHIBIT ALL CLASSES OF CANNABIS BUSINESSES WITHIN THE BOROUGH TO ALLOW THE BOROUGH MORE TIME AND FLEXIBILITY IN DETERMINING POTENTIAL PERMITTED USES

ORDINANCE-1st Reading

- **ORDINANCE 2021-06**-BOROUGH OF WASHINGTON
ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN
CONFORMANCE FOR THE PLANNING AREA

Ordinance 2021-06 will be published in the Express Times in full and will have a public hearing with adoption scheduled for August 3, 2021

RESOLUTIONS

- **RESOLUTION 2021-89**-Resolution Authorizing the reimbursement of Property taxes from 2-9-21 to 5-10-21 for a Qualified -100% disable veteran
- **RESOLUTION 2021-92**-RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
- **RESOLUTION 2021-93**-RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
- **RESOLUTION 2021-94**-CENSURE
- **RESOLUTION 2021-95** RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
- **RESOLUTION 2021-96**- REQUESTING THE SUSPENSION OF ENFORCEMENT ACTION AGAINST RETAIL FOOD ESTABLISHMENTS ALLOWING DOGS TO BE PRESENT IN DINING AREAS UNDER CERTAIN CIRCUMSTANCES
- **RESOLUTION 2021-97**-RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
- **RESOLUTION 2021-98**-RESOLUTION AUTHORIZING ASSIGNMENT OF A DEVELOPER'S AGREEMENT AND ALL MODIFICATIONS THERETO
- **RESOLUTION 2021-99**- RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

VOUCHERS

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REPORTS

RECAP

Agenda-Continued

COUNCIL REMARKS

Remarks, Reports, Discussions
EXECUTIVE SESSION-if needed

ADJOURNMENT _____ P.M.

BOROUGH OF WASHINGTON

ORDINANCE 2021-05

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING THE BOROUGH'S LAND USE REGULATIONS TO PROHIBIT ALL CLASSES OF CANNABIS BUSINESSES WITHIN THE BOROUGH TO ALLOW THE BOROUGH MORE TIME AND FLEXIBILITY IN DETERMINING POTENTIAL PERMITTED USES

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least twenty-one years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults twenty-one years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1: Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2: Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3: Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4: Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

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- Class 5: Cannabis Retailer license, for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6: Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and

WHEREAS, section 31a of the Act authorizes municipalities, by ordinance, to

adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner, and times of operation of such establishments, distributors, or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities, by ordinance, to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling, and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would

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be prospective only and would not apply to any cannabis business already operating within the municipality; an

WHEREAS, the Cannabis Regulatory Commission (Commission), established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24), is charged with, among other things, the responsibility to adopt rules and regulations prepared by the Commission necessary or proper to enable it to carry out its duties, functions, and powers with respect to overseeing the development, regulation, and enforcement of activities associated with the personal use of cannabis pursuant to P.L.2021, c.16 (C.24:6I-31 et al.). within 180 days after the effective date of P.L.2021, c.16; and

WHEREAS, the timing of the Commission's promulgation of those aforementioned rules is not likely to leave municipalities sufficient time to review and consider the implications for developing local regulations regarding cannabis establishments, cannabis distributors or cannabis delivery services; and

WHEREAS, the Mayor and Borough Council of the Borough of Washington has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of Washington in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety, and welfare of the Borough's residents and members of the public to amend the Borough's zoning regulations to prohibit all manners of marijuana-related land use and development within the Borough; and

WHEREAS, the Mayor and Council of the Borough of Washington has determined that, a resolution to prohibit all manner of marijuana-related land use and development within the Borough prior to August 22, 2021, would not preclude the Borough from taking later action, at a time of the Borough's choosing and as permitted by P.L.2021, c.16, to allow marijuana-related land use; and

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WHEREAS, officials from the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, as follows:

SECTION 1. Preamble incorporated. The preamble to this ordinance is hereby incorporated as if fully restated herein.

SECTION 2. Cannabis businesses prohibited. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (*P.L.* 2021, *c.* 16) (the “Act”), all cannabis establishments, cannabis distributors or cannabis delivery services as said terms are defined in section 3 of the Act and in Chapter 94 Section 5 of the “Code of the Borough of Washington” are hereby prohibited from operating anywhere in the Borough of Washington, except for the delivery of cannabis items and related supplies within the Borough by a delivery service located outside of the Borough.

SECTION 3. Chapter 94 Section 5 of the Borough Code amended. “Definitions” in Chapter 94 Section 5 (94-5) “ Zoning and Land Development” of the “Code of the Borough of Washington” (“Code” or “Borough Code”) is hereby amended by adding thereto the following new definitions:

CANNABIS CULTIVATOR

Any person or entity holding a Class 1 Cannabis Cultivator license issued by the State of New Jersey that grows, cultivates, or produces cannabis in the State of New Jersey, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

CANNABIS DELIVERY

The transportation of cannabis items and related supplies to a consumer. “Cannabis delivery” also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

CANNABIS DELIVERY SERVICE

Any person or entity holding a Class 6 Cannabis Delivery license issued by the State of New Jersey that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

CANNABIS DISTRIBUTOR

Any person or entity holding a Class 4 Cannabis Distributor license issued by the State of New Jersey that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports 40 cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

CANNABIS ESTABLISHMENT

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS MANUFACTURER

Any person or entity holding a Class 2 Cannabis Manufacturer license issued by the State of New Jersey, that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing,

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preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

CANNABIS RETAILER

Any person or entity holding a Class 5 Cannabis license issued by the State of New Jersey that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

CANNABIS WHOLESALER

Any person or entity holding a Class 3 Cannabis Wholesaler license issued by the State of New Jersey that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

SECTION 4. Chapter 94 Section 73 of the Borough Code amended. Section 73, “Prohibited Uses” in Chapter 94, “Zoning Land Development” of the Borough Code is hereby amended to read as follows (new text is underlined thus; deleted text is in brackets [thus]):

§ Z-104 Prohibited Uses.

D. The following uses are also expressly prohibited in all Zone Districts:

(1) The operation of any and all classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in this chapter and in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies within the Borough by a cannabis delivery service located outside the Borough.

5. Referral to Planning Board. Following introduction and prior to adoption, the Clerk shall cause a copy of this ordinance to be referred to the Borough of Washington Land Use Board for review pursuant to *N.J.S.A. 40:55D-26*.

6. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

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7. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be valid and enforceable.

8. Effective Date. This ordinance shall take effect twenty days from the date of its adoption and upon filing with the Warren County Planning Board, as required pursuant to N.J.S.A. 40:69A-181 and N.J.S.A. 40:55D-16.

**ORDINANCE 2021-06
BOROUGH OF WASHINGTON
ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN
CONFORMANCE FOR THE PLANNING AREA**

Section 1 Purpose

The Borough of Washington is located fully within that portion of the New Jersey Highlands Region defined by the Highlands Act, as the “Planning Area” (see definitions, below). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Governing Body of the Borough of Washington establishes that the municipality shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the municipality’s Petition for Plan Conformance, which was previously submitted to the Highlands Council by Resolution 2019-44 adopted by the Governing Body on February 5, 2019, and which the Highlands Council approved with certain conditions by Highlands Council Resolution No. 2021-07, adopted on February 18, 2021. Further, this Ordinance specifically reserves the rights of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

Section 2 Basis and Background

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The Highlands Act finds and declares that protection of the Highlands Region is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources. The Highlands Act creates a coordinated land use planning system requiring the Highlands Council to prepare and adopt a Regional Master Plan that serves to protect, restore and enhance the significant resources the Highlands Region. The Highlands Act sets forth a bifurcated system for municipal conformance with the goals, requirements and provisions of the Regional Master Plan. Pursuant to Section 14.a. of the Highlands Act, a municipality located wholly or partially in the Preservation Area was required to submit by December 8, 2009 a revised municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, to conform them with the Regional Master Plan.

Pursuant to Section 15.a. of the Highlands Act, for a municipality located wholly in the Planning Area or for any portion of a municipality lying within the Planning Area, the municipality may submit at any time a revised master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, that conforms with the Regional Master Plan. Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area.

Consequently, Borough of Washington, having lands in the Planning Area of the Highlands Region, did submit as part of a Petition for Plan Conformance to the Highlands Council on October 26, 2020, proposed revisions to the master plan, development regulations and other regulations that relate to the development and use of land in the Planning Area. On February 21, 2021, the Highlands Council adopted Resolution No. 2021-07 approving Washington Borough's Petition for Plan Conformance. The approval was conditioned upon the Borough of Washington's adoption of an ordinance pursuant to Section 15a of the Highlands Act, formally petitioning the Highlands Council for Plan Conformance for lands within the Planning Area.

Section 3 Applicability

This Ordinance applies to the development and use of land located in the Planning Area of Washington Borough, as defined by Section 7 of the Highlands Act.

Section 4 Definitions

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

Highlands Region means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Planning Area - means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform

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them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Regional Master Plan– means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Section 5 Petition for Plan Conformance

The Borough of Washington hereby formalizes its Petition for Plan Conformance to the Highlands Council, declaring it fully effective for lands in the Planning Area of the municipality, said Petition having been approved by the Highlands Council subject to the conditions as set forth in Highlands Council Resolution No. 2021-07, adopted on February 18, 2021.

Section 6 Reserved Right of Withdrawal for Planning Area

At any time, the Borough of Washington may withdraw its Petition for Plan Conformance for the Planning Area. In such event, any approvals, rejections or conditions of the revised municipal master plan, development regulations or other regulations that pertain to the Planning Area, as set forth by the Highlands Council in approving Resolution No. 2021-07, will not be binding upon the Borough of Washington. Any such withdrawal, should it occur, shall require repeal of this Ordinance, and shall be followed by formal notification to the Highlands Council, sent within ten (10) days of adoption by certified mail and including a certified copy of such repealing ordinance.

Section 7 Planning Grants and Technical Assistance

Upon application of Washington Borough, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to Washington Borough for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, which revisions are designed to bring those plans and regulations into conformance with the Regional Master Plan. The Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council. As Plan Conformance for lands in the Planning Area is strictly voluntary, Washington Borough retains the right to withdraw the Petition relating to lands lying in the Planning Area from the Plan Conformance process at any time.

Section 8 Effective Date

This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: July 6, 2021

Public Hearing/Adoption Date: August 3, 2021

RESOLUTION 2021-89

Resolution Authorizing the reimbursement of Property taxes from 2-9-21 to 5-10-21 for a Qualified -100% disable veteran

WHEREAS, the Borough of Washington by Resolution adopted pursuant to NJSA 54:4-3.32 authorized a tax exemption from local property taxes for veterans who have suffered a 100% permanent disability resulting from war time service in the United States military; and

WHEREAS, the Borough of Washington authorized the date for qualification for municipal portion of the property tax exemption to be the date on which the United States Veterans' Administration determined the 100% service-connected disability; and

WHEREAS, the Tax Collector has received proof of such information from the Tax Assessor the following property effective February 9, 2021:

Crider, April Lynn	Block 101 lot 15.05	\$3070.80
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NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, County of Warren, State of NJ, that in recognition of the serious and debilitating nature of 100% permanent service-connected disabilities suffered by our veterans while serving in war time and fairness to those disabled veterans, the Chief Finance Office is authorized, pursuant to NJSA 54:4-3.32, to reimburse property taxes from 2-9-21 through 5-10-21 to the above referenced property owner.

RESOLUTION 2021-92
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 22, 2020 to US Bank Cust Pro Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$336.15 for taxes or other municipal liens assessed for the year 2019 in the name of Conklin, Sandra J, James V & Tommy as supposed owners, and in said assessment and sale were described as 36-36.5 E Church St. Block 24 Lot 7, which sale was evidenced by Certificate #20-00005; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that

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on 6-3-21 and before the right to redeem was cut off, as provided by law, Sandra Conklin, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Cap 8 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,828.34 which is the amount necessary to redeem Tax Sale Certificate #20-00005.

NOW THEREFORE BE IT RESOLVED, on this 6th day of July 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$3,028.34** (This amount consists of \$1,828.34 Certificate Amount redeemed + \$1,200.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 24 Lot 7 from the tax office records.

RESOLUTION 2021-93
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 6, 2019 to USBank Cust Tower DB IX 2019-1, 50 South 16th St. Suite 2050, Philadelphia, PA 19102, in the amount of \$9,064.99 for taxes or other municipal liens assessed for the year 2018 in the name of Lambert, Albert J & Ruth Ann as supposed owners, and in said assessment and sale were described as 63 Railroad Ave., Block 79 Lot 20, which sale was evidenced by certificate #19-00026 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-9-21 and before the right to redeem was cut off, as provided by law, Title Lines claiming to have an interest in said lands, did redeem said lands claimed by USBank Cust Tower DB IX 2019-1 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$33,911.80 which is the amount necessary to redeem Tax Sale Certificate #19-00026.

NOW THEREFORE BE IT RESOLVED, on this 6th day of July, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to USBank Cust Tower DB IX 2019-1, 50 South 16th St., Suite 2050, Philadelphia, PA 19102 in the amount of **\$52,911.80** (This consists of \$33,911.80 Certificate Amount redeemed + \$19,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 79 Lot 20 from the tax office records.

RESOLUTION 2021-94

WHEREAS, Juneteenth is the oldest recognized celebration observing the freedom of African Americans from slavery in the United States; and

WHEREAS, the Emancipation Proclamation was issued on September 22, 1862, with an effective date of January 1, 1863; and

WHEREAS, on June 19, 1865, General Gordon Granger arrived in the former Confederate state of Texas to enforce the emancipation of enslaved people throughout the state; and

WHEREAS, the word “Juneteenth” became the name for the joyous celebration of freedom from slavery as a result of the words “June Nineteenth” combined together in speech; and

WHEREAS, Juneteenth is celebrated in towns and cities across America and is officially recognized by 47 states including New Jersey, which recognized it with the passage of Senate Bill 19 in 2020; and

WHEREAS, Councilwoman Louann Cox as Borough Councilwoman made disrespectful, biased and racially insensitive statements during a council session that disparaged Juneteenth and diminished its historical importance.

THEREFORE, LET IT BE KNOWN, that the Washington Borough Council hereby censures Councilwoman Louann Cox and that these remarks do not represent the values or views of the Washington Borough Council.

RESOLUTION 2021-95_
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 22, 2020 to FIG CUST FIGNJ19 LLC, P.O. Box 54226, New Orleans, LA 70154, in the amount of \$6,987.38 for taxes or other municipal liens assessed for the year 2019 in the name of Olsen, Gary & Lisabeth H Olsen as supposed owners, and in said assessment and sale were described as 74 S Lincoln Ave, Block 95.01 Lot 5, which sale was evidenced by Certificate #20-00037 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-22-21 and before the right to redeem was cut off, as provided by law, Green Hill Title, LLC claiming to have an interest in said lands, did redeem said lands claimed by FIG CUST FIGNJ19 LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$15,819.57 which is the amount necessary to redeem Tax Sale Certificate #20-00037.

NOW THEREFORE BE IT RESOLVED, on this 6th day of July, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FIG CUST FIGNJ19 LLC, P.O. Box 54226, New Orleans, LA 70154 in the amount of **\$40,419.57** (This consists of \$15,819.57 Certificate Amount redeemed + \$24,600.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 95.01 Lot 5 from the tax office records.

RESOLUTION 2021-96

REQUESTING THE SUSPENSION OF ENFORCEMENT ACTION AGAINST RETAIL FOOD ESTABLISHMENTS ALLOWING DOGS TO BE PRESENT IN DINING AREAS UNDER CERTAIN CIRCUMSTANCES

WHEREAS, there is increased desire by residents and visitors of the Borough of Washington to bring their dogs with them when dining in some retail food establishments; and

WHEREAS, the Americans with Disabilities Act already requires retail food establishments to allow service animals in dining areas; and

WHEREAS, nine states currently allow dogs to be present in outdoor dining areas in some circumstances; and

WHEREAS, research has suggested that the presence of dogs in the dining areas of retail food establishments does not present a significant risk of foodborne illness;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council recommends and requests that the Warren County Health Officer suspend enforcement action against retail food establishments that allow dogs to be present in their dining areas when the following circumstances and conditions are met:

WARREN COUNTY HEALTH DEPARTMENT DOG FRIENDLY DINING GUIDANCE

Subject to the requirements set forth below (A-I) dogs may be permitted in outside dining areas of Risk 2 Food Establishments and both inside and outside dining areas of Risk 1 Food Establishments:

- A. No food may be prepared, including mixing drinks and serving ice, in the dog friendly area, except that a beverage glass may be filled from a pitcher or other container that has been filled or otherwise prepared inside the food establishment.
- B. No food may be displayed or stored in or within ten (10) feet of the dog friendly area, except that sealed beverage containers may be stored behind a bar or counter.

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- C. Patio or floor must be continuously maintained free of visible dog hair, dog dander and other dog-related waste and debris. The patio or floor shall be hosed down or mopped with animal-friendly chemicals at the beginning of each shift during which food or beverages are served (breakfast, lunch, dinner, or late-hours).

If a food establishment has continuous food or beverage service without designated shifts, then the patio or floor shall be hosed down or mopped with animal-friendly chemicals every six hours that the food establishment is open for business, except that such cleaning is not required if no dog has been present on the floor or patio since the last cleaning. Waste created from a dog's bodily functions must be immediately cleaned up with animal-friendly chemicals.

All dog waste shall be placed in a fly-tight container and disposed of outside of the food establishment in an appropriately covered waste receptacle. Equipment used to clean the floor or patio must be kept outside of the food preparation area and storage areas for food, utensils or food contact equipment.

- D. All patio or floor surfaces shall be constructed of materials that are smooth, easily cleanable and durable.
- E. Employees shall not touch, pet or otherwise handle any dog while serving food or beverages or handling tableware.
- F. All dogs shall be kept on a short leash (no more than 4 feet in length) and remain in the control of the customer at all times while in the dog friendly dining area. All dogs shall wear a collar or harness and have a current license.
- G. Dogs shall not be allowed on any seat, chair, a patron's lap, table, countertop, or similar surface in the dog friendly dining area.
- H. Dogs shall not be allowed to have any contact with reusable food service dishes or utensils. A dog may only have contact with disposable single service containers that provide food or water to the dog.
- I. A sign with at least half inch letters shall be posted at the front entrance of the food establishment so that it is easily visible to the public. The sign shall state: "Dog Friendly Dining Area".

RESOLUTION 2021-97

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5**

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 6, 2019 to Arthur Frustaci, 712 Rugby Road, Phillipsburg, NJ 08865, in the amount of \$175.55 for taxes or other municipal liens assessed for the year 2018 in the name of Burd, Guy & Melissa J as supposed owners, and in said assessment and sale were described as 46 State Street, Block 13 Lot 6, which sale was evidenced by Certificate #19-00008; and

WHEREAS, I, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-30-21 and before the right to redeem was cut off, as provided by law, Comerica Bank on half of Corelogic Tax Service claiming to have an interest in said lands, did redeem said lands claimed by Arthur Frustaci by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,618.96, which is the amount necessary to redeem Tax Sale Certificate #19-00008.

NOW THEREFORE BE IT RESOLVED, on this 6th day of July, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Arthur Frustaci, 712 Rugby Road, Phillipsburg, NJ 08865 in the **amount of \$1,618.96** (This amount consists of \$1,618.96 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 13 Lot 6 from the tax office records.

RESOLUTION 2021-98

**RESOLUTION AUTHORIZING
ASSIGNMENT OF A DEVELOPER'S AGREEMENT AND ALL MODIFICATIONS
THERE TO**

WHEREAS, Midtown Ltd. / Inc. and the Borough of Washington executed the following documents with regard to a mixed-use commercial and residential development located at 62-69 E. Washington Ave in the Borough of Washington, Warren County and identified as Block 24, Lots 19, 20, 21, and 22 on the Tax Maps of the Borough of Washington (the "Property"): Developer's Agreement dated June 4, 2007; Assignment Agreement dated June 4, 2007; Modification Agreement dated February 4, 2016 (collectively, the "Agreements"); and

Draft-Subject to Change

WHEREAS, Midtown Apartments, LLC recently purchased the Property and desires to assume all rights and responsibilities under the Agreements; and

WHEREAS, the Borough is agreeable to the assignment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Borough Council authorizes the execution of the Assignment Agreement in substantially the same form as attached hereto.

RESOLUTION #2021-99

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 6, 2019 to US Bank Cust Pro Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$660.67 for taxes or other municipal liens assessed for the year 2018 in the name of Papp, Louis as supposed owner and in said assessment and sale were described as 30 Beethoven Ave. Block 79 Lot 9, which sale was evidenced by Certificate #19-00024; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7-2-21 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Cap 8 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,507.21 which is the amount necessary to redeem Tax Sale Certificate #19-00024.

NOW THEREFORE BE IT RESOLVED, on this 6th day of July 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$2,507.21** (This amount consists of \$2,507.21 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 79 Lot 9 from the tax office records.